

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/071,026	AMERSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nelson D. Hernandez	2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/26/2006.
2. ☒ The allowed claim(s) is/are 2,5-9,11,12,14,17-21 and 23-34 (renumbered as 1-26).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 26, 2006 has been entered.

### ***Response to Amendment***

2. The Examiner acknowledges the amendments made to the claims filed on April 26, 2006. Claims 5, 7, 17, 19, 25 and 33 have been amended. Claims 1, 3, 4, 10, 13, 15, 16 and 22 have been canceled.

### ***Allowable Subject Matter***

3. **Claims 2, 5-9, 11, 12, 14, 17-21 and 23-34 (renumbered as 1-26) are allowed.**

4. The following is a statement of reasons for the indication of allowable subject matter:

**Regarding claim 7** (renumbered as 1), the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, in combination with the existing elements of the present claim as currently amended a user interface associated with the image capture software, where the user interface

allows the user to combine attributes of the at least two images to form the new image, wherein the user interface further comprises a lens shift and an image plane tilt adjustment, a lens shift referring to a physical shift of the lens in a vertical or a horizontal direction with respect to an image plane and a plane tilt referring to a physical tilt of the lens with respect to the image plane, wherein the image capture software and the user interface are used to simulate at least one of the at least one of the lens shift and plane tilt characteristics in the new image by capturing the at least two images at a plurality of focal lengths.

**Regarding claim 19** (renumbered as 9), the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, in combination with the existing elements of the present claim as currently amended, providing a lens shift and image plane tilt indicators, a lens shift referring to a physical shift of the lens in a vertical direction or a horizontal direction with respect to an image plane and a plane tilt referring to a physical tilt of the lens with respect to the image plane; simulating at least one of the lens shift and plane tilt characteristics in the new image from the at least two images captured at a plurality of focal lengths; and combining attributes of the at least two images to form the new image.

**Regarding claim 25** (renumbered as 17), the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, in combination with the existing elements of the present claim as currently amended, the lens shift referring to a physical shift of the lens in a vertical direction or a horizontal direction with respect to an image plane and a plane tilt referring to a physical tilt of the

Art Unit: 2622

lens with respect to the image plane; wherein the code segment simulates at least one of the lens shift and plane tilt characteristics in the new image from the at least two images captured at a plurality of focal lengths.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez  
Examiner  
Art Unit 2622

NDHH  
May 8, 2006

  
TUAN HO  
PRIMARY EXAMINER